

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEBRA PANIAGUA,  
Plaintiff,  
v.  
COUNTY OF ALAMEDA, et al.,  
Defendants.

No. C 10-01981 CW

ORDER ON  
PLAINTIFF'S  
FAILURE TO FILE  
AN OPPOSITION TO  
DEFENDANTS'  
MOTION TO DISMISS

On December 7, 2010, Defendants County of Alameda, et al., moved to dismiss Plaintiff Debra Paniagua's amended complaint. The hearing on Defendants' motion was set for January 20, 2011. Plaintiff, who is represented by an attorney, did not file a timely opposition.

Notably, Plaintiff also failed to respond timely to Defendants' first motion to dismiss. With respect to that motion, the Court issued an order directing her to file an opposition by a date certain. She did not file a substantive response, but instead offered a terse memorandum requesting leave to file an amended complaint.

Plaintiff shall file an opposition by January 13, 2011. If an opposition is filed, Defendants' reply shall be due one week thereafter. Defendants' motion will be taken under submission on

1 the papers. The Court VACATES the hearing set for January 20. The  
2 initial case management conference, currently set for January 25,  
3 is continued to February 15, 2011.

4 Because Plaintiff has failed to demonstrate diligence in  
5 prosecuting her claims, any failure to comply with this Order will  
6 result in the dismissal of her action for failure to prosecute.  
7 Such dismissal will be with prejudice.

8 IT IS SO ORDERED.

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10 Dated: January 6, 2011



11 CLAUDIA WILKEN  
12 United States District Judge  
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